

Memorandum



Date: January 20, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No. 7(J)(1)(I)

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

Subject: Amendment No. 2 to a Joint Participation and Reimbursement Agreement with the Florida Department of Transportation to Provide Additional Funding for Construction for a Portion of the U.S. 1 Roadway Reconstruction Project

RECOMMENDATION

It is recommended that the Board authorize the County Manager to amend a Joint Participation and Reimbursement Agreement (JPRA) in substantially the form attached with the Florida Department of Transportation (FDOT) to provide an additional \$691,549.88 in State funding for construction of a portion of the U.S. 1 Roadway Reconstruction Project that parallels the South Miami-Dade Busway Extension Project, bringing the total amount of the agreement to \$12,265,777.51. It is further recommended that the County Manager be authorized to receive and expend funds as specified in this agreement.

BACKGROUND

On May 22, 2001, the Board approved a Joint Participation Agreement (JPA) by Resolution No. R-569-01, in the amount of \$10,208,400, for construction of a portion of the U.S. 1 Roadway Project from SW 232nd Street to SW 264th Street (Segment I-S) and on June 7, 2001, FDOT and the County entered into that JPA. However, bids subsequently received for this project exceeded FDOT's estimated project cost by \$1,940,427.92. As a result, FDOT increased the State funding associated with this JPA by \$1,940,427.92, bringing the total amount to \$12,148,827.92. These additional funds, reflected in Resolution No. R-1256-02 (Amendment No. 1 to the JPA), were approved by the Board on October 22, 2002, to provide FDOT funding for \$1,940,427.92.

Amendment No. 2 provides an additional \$691,549.88 in FDOT funding. Retroactive Change Order No. 1 with Central Florida Equipment Rentals (Contract No. TA01-BMX-1S), approved through Resolution No. R-1241-04 on October 19, 2004, described the need for these additional funds. Retroactive Change Order No. 2 (appearing as a separate item on today's agenda) covers additional underestimated quantities in bid items that had not been fully quantified at the time that Change Order No. 1 was presented to the Board. As described in those items, MDT and FDOT staff discussed the revision of the existing JPA that funds this project to include the additional costs incurred due to underestimated quantities by FDOT of necessary construction materials during the design of the project. This JPRA includes reimbursement for both Change Orders No. 1 and 2. Provision of additional funding by FDOT is in accordance with the language of the JPRA.

FISCAL IMPACT

No County funds are required for this project. All requisite funding is being provided by FDOT.

A handwritten signature in black ink, appearing to read "Peter Johnson", is written over a horizontal line. The signature is stylized with a large, looping initial "P".

Assistant County Manager

Date




MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 20, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(J)(1)(I)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 7(J)(1)(I)

Veto _____

01-20-05

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO THE
JOINT PARTICIPATION AND REIMBURSEMENT
AGREEMENT (JPRA) WITH THE FLORIDA DEPARTMENT
OF TRANSPORTATION (FDOT) FOR \$691,549.88 IN STATE
FUNDS FOR CONSTRUCTION OF A PORTION OF THE U.S.
1 ROADWAY RECONSTRUCTION PROJECT AND
AUTHORIZING THE COUNTY MANAGER TO RECEIVE
AND EXPEND FUNDS AS SPECIFIED IN THE JPRA

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, the State of Florida is authorized to enter into agreements to provide funding for transportation programs and projects,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. That this Board approves Amendment No. 2 to the Joint Participation and Reimbursement Agreement (JPRA) between Miami-Dade County and the Florida Department of Transportation (FDOT), in substantially the form attached hereto and made a part thereof, to provide \$691,549.88 in State funds for construction of a portion of the U.S. 1 Roadway Reconstruction Project that parallels the South Miami-Dade Busway Extension Project to Florida City.

Section 2. That the Board further authorizes the County Manager and/or designees to execute such contracts and agreements as are approved by the County Attorney's Office; to receive and expend funds in accordance with such aforementioned contracts and agreements; and

to file and execute any additional agreements, revisions, or amendments as required to carry out the projects for and on behalf of Miami-Dade County, Florida.

Section 3. That the County staff is authorized to furnish such additional information as the FDOT may require in connection with the application for the project.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Dr. Barbara Carey-Shuler
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2005. This Resolution and contract, if not vetoed, shall become effective in accordance with Resolution No. R-377-04.


MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Bruce Libhaber



**AMENDMENT TWO
TO THE FLORIDA DEPARTMENT OF TRANSPORTATION
JOINT PARTICIPATION and REIMBURSEMENT AGREEMENT**

Construction of US-1 South Dixie Highway

This AGREEMENT, made and entered into this ____ day of _____, 2004, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter referred to as the "DEPARTMENT" and the MIAMI-DADE TRANSIT AGENCY, an agency of Miami-Dade County, a political subdivision of the State of Florida, hereinafter referred to as the "MDTA".

WITNESSETH:

WHEREAS, the DEPARTMENT and the MDTA heretofore on June 7, 2001, entered into a Joint Participation and Reimbursement Agreement, Construction of US-1 South Dixie Highway, whereby the DEPARTMENT and the MDTA outline their determination that it would be in the best interest of the general public and the citizens of Miami-Dade County to enter into the Agreement of which the purpose is to allow the MDTA to construct the roadway project from SW 264 Street to SW 232 Street consisting of the elements listed on its attached exhibit "A" as "Work Description" and to procure the necessary Construction Engineering Inspection (CEI) services on the DEPARTMENT'S behalf, said Agreement being attached hereto as Exhibit "A".

WHEREAS, the DEPARTMENT has determined it necessary, within the general description of the Agreement as originally agreed, to amend the estimated cost of the PROJECT, as indicated in paragraph seven of the Agreement.

NOW, THEREFORE, this Agreement witnessed that for and in consideration of the mutual benefits to flow each to the other, the parties agree to amend the original Agreement to reflect the estimated PROJECT cost to be \$12,265,777.51, as outlined in the Additional Information sheet attached hereto as exhibit "B".

Except as hereby modified, amended, or changed, all of the terms and conditions of said Agreement and any amendments thereto will remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed the Agreement by their duly authorized officers on the day, month and year set forth above.

**MIAMI-DADE TRANSIT
AGENCY**

BY: _____
TITLE: COUNTY MANAGER

ATTEST: _____
TITLE: CLERK

**STATE OF FLORIDA,
DEPARTMENT OF TRANSPORTATION**

BY: _____
TITLE: DISTRICT SECRETARY

ATTEST: _____
TITLE EXECUTIVE SECRETARY

Legal Review


County Attorney's Office

District General Counsel

ADDITIONAL INFORMATION:

Miami-Dade Transit Agency (MDTA) is currently managing the design of the US-1 Exclusive Busway Corridor MDTA will be managing the construction of both US-1 project as well as the exclusive Busway Corridor.

ITEMIZED COST FOR THE U.S.-1 PROJECT

<u>ACTIVITY DESCRIPTION</u>	<u>STATE FUND</u>
	FM 250060
Roadway/MOT/Pavement Markings,	\$8,624,140.67
Signing/Pavement Marking,	\$32,955.00
Lighting	\$377,840.62
Signalization	\$383,061.44
Landscaping	\$37,766.12
Bridge	\$547,564.78
SUBTOTAL #1	\$10,003,328.63
CEI Cost /Public Involvement cost	\$1,155,099.00
Contingency	\$415,800.00
Construction cost overrun	\$691,549.88
SUBTOTAL #2	\$2,262,448.88
TOTAL CONSTRUCTION COST:	\$12,265,777.51

Exhibit "B"